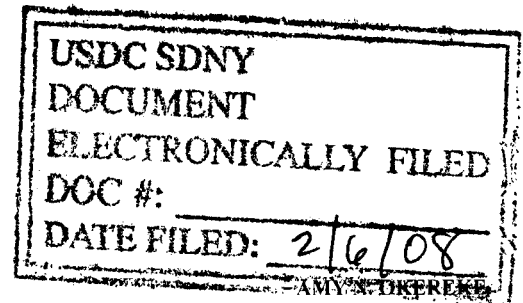


THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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Corporation Counsel



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January 28, 2008

BY HAND

Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street, Room 2210
New York, New York 10007

JAN 28 2008

*application granted. This court
will hold a conference on April 4, 2008
at 10:30am. The conference currently
scheduled for 2/15/2008
is cancelled.*

WILLIAM H. PAULEY III U.S.D.J.

2/5/2008

Re: Marcus Rasean Thompson v. Captain Artrailyes Carter, et al.
07 Civ. 3243 (WHP)

Your Honor:

I am the attorney in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above matter in which the City of New York is not a named defendant. According to the Court's docket sheet, defendants Artrailyes Carter, Brenda Person, Fritz Montrevil, Anselmo Farrell, Delshay Smallwood, Robert Santana, Harmon Frierson, and Antoinette Cort were served with process in this matter on January 8, 2008. Without appearing or making any representations on behalf of these defendants as to the adequacy of service or otherwise, I respectfully request that, if they have been properly served, their time to respond to the complaint in this action be extended for sixty days from January 28, 2008 to March 28, 2008, in order to ensure that their defenses are not jeopardized while representation issues are being decided.¹ Plaintiff is incarcerated and proceeding *pro se*; I have been unable to confer with him regarding this request, and accordingly this application is made directly to the Court.

¹ There is no indication whether the individually named defendant Correction Officer Ronald Cook has been served with the summons and complaint. As of this date, no request for representation has been received with respect to this individual nor does the docket sheet indicate that he has been served. Without appearing on his behalf, it is respectfully requested that this application be applied to defendant Cook, in order to ensure that his defenses are not jeopardized while representation issues are being decided.

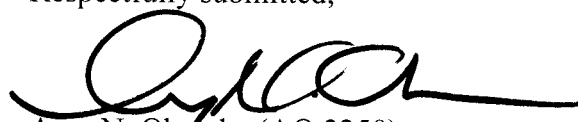
Plaintiff alleges that on April 1, 2007, while he was incarcerated at the Otis Bantum Correctional Center on Rikers Island, he was subjected to excessive force by New York City Department of Correction Officers, as officers conducted a search of his cell. An enlargement of time will give this office the opportunity to investigate these allegations in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure and ensure that we may properly assess the case and respond to the complaint.

In addition to affording us an opportunity to investigate the claims alleged in plaintiff's complaint, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendants. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made in this action. Accordingly, I respectfully request that defendants' time to respond to the complaint be extended until March 28, 2008.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Amy N. Okereke', with a long horizontal flourish extending to the right.

Amy N. Okereke (AO 3250)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Marcus Rasean Thompson, plaintiff *pro se* (via first class mail)
07-A-2267
Fishkill Correctional Facility
Box 1245
Beacon, New York 12508